but rather one of alienage. The court states that it seems clear that the immigration act relates to persons owing allegiance to a foreign government and citizens or subjects thereof, and that citizens of Porto Rico, whose permanent allegiance is due to the United States, who live within the peace of the domain of the United States, the organic law of whose domicile was enacted by the United States and is enforced through officials sworn to support the Constitution of the United States, are not aliens, and upon their arrival at our ports are not alien immigrants. The court further points out that, instead of the immigration laws operating externally and adversely to the citizens of Porto Rico, these laws are in force and effect in that island.

This case specifically decides that the Porto Ricans are not aliens; but refuses to pass upon the question of citizenship. The logicians tell us that, owing to the lack of sharp definition in our concepts, there is often between ideas that are contrary, but not absolutely contradictory, a *tertium quid*. The Supreme Court seems to hold that the terms "aliens" and "citizens" are contraries, and that the Porto Ricans belong to that vague and indefinable class—the *tertium quid*. The status of the negro slave was somewhat similar, with the idea of chattel tacked on.

CRIMINAL LAW—PROSECUTIONS BY THE UNITED STATES AGAINST SENATOR DIETRICH, OF NEBRASKA.—On January 24th last, United States Judge Van Devanter handed down opinions in these cases: In the first he held that the words "next session," as used in Rev. St. section 1038 [U. S. Comp. St. 1901, p. 723], providing that the District Court may remit any indictment pending therein to the next session of the Circuit Court, are used so as to mean "next sitting," and not in the sense of "term." 126 Federal Reporter, p. 659. The indictment charging that Senator Deitrich and Jacob Fisher did unlawfully conspire to commit an offense against the United States, in that Deitrich agreed to take $1,300 from Fisher for procuring for Fisher the office of postmaster at Hastings, the court holds to be demurrable, in that the offense charged is a violation of Rev. St. section 1781 [U. S. Comp. St. 1901, p. 1212], making it unlawful for any member of Congress to take any money or other valuable consideration for procuring any office from the government, and can, therefore, not be made the basis of an indictment under Rev. St. section 5440 [U. S. Comp. St. 1901. p. 3676] for conspiracy. 126 Federal Reporter, p. 664. On the second indictment, which was brought under Rev. St. section 3739 [U. S. Comp. St. 1901, p. 2508], providing that no member or delegate of Congress should directly or indirectly hold or enjoy any contract made or entered into in behalf of the United States, the decision turned upon the point made by the defendant that this section did not apply to a contract which was entered into before the defendant became a senator, and which was, therefore, lawful at the time it was made. The court holds, however, that this lawful contract was terminated by the defendant becoming a member of Congress, and that by continuing to receive the benefits of the contract after his election he violated the section of the

Revised Statutes under which the indictment was drawn. 126 Federal Reporter, p. 671. On the indictment, charging that Dietrich, while a senator of the United States, agreed to receive a bribe for procuring or aiding to procure for Fisher the position of postmaster at Hastings, the court directs the jury to return a verdict of not guilty, holding that a person elected to the office of senator is not a member of Congress within the meaning of the section under which the indictment was brought, namely, Rev. St. section 1781 [U. S. Comp. St. 1901, p. 1212], making it a criminal offense for a member of Congress to receive or to agree to receive a bribe for procuring for another any contract, office, or position from the government, until he has been accepted by the Senate as a member, and has assumed the duties of office. 126 Federal Reporter, p. 676.

NOTICES—MODE OF SERVICE—DELIVERY TO A BOARDER OR BOARDING-HOUSE KEEPER—SECTION 3207 OF THE CODE.—In *Fowler* v. *Mosher*, 85 Va. 421, it was held that under section 3207 of the Code of 1887, providing that notices may be served by delivering a copy to a member of the family of the person to be notified, delivery to a mere boarder, a stranger to his blood, was not sufficient, and the court held that it was the purpose of the statute to require service upon some person who would feel interested by the ties of consanguinity and the relation of dependence to communicate the fact of the service to the party for whom it was designed. The original of this section was passed December 19, 1792, and is as follows: "Notice on replevy bond, and all other legal occasions, wherein no particular mode is or shall be prescribed, shall be good if given to the party in person, or delivered in writing to any white person above the age of sixteen years, who shall be a member of the family of such person, and shall be informed of the purport of such notice, or left at some public place, at the dwelling-house or other known place of residence of such person." Code of 1803, p. 113. Under this statute, it was held that "a notice is sufficient, if delivered to a free white person above sixteen years of age, in whose house the person for whom it is intended is a boarder, though not a permanent resident." *Segouine* v. *Auditor*, 4 Munf. 398. If delivered to a boarding-house keeper for the boarder is sufficient, it would seem that delivery to the boarder for the boarding-house keeper is sufficient also. If the decision in the latter case stands, it is not necessary that the delivery shall be to one interested by the ties of consanguinity or dependence; on the other hand, if the reasoning in *Fowler* v. *Mosher* is correct, then *Segouine* v. *Auditor*, though not in terms referred to, is overruled; and carrying the reasoning of the court to its legitimate conclusion, delivery to a servant would be good, while delivery to a boarder is not. C. B. G.